

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

Plaintiff,

v.

Any and All Funds on Deposit at JPMorgan Chase
Account Number 61442003 Held in the Name of CIA
Minera Aurifera Santa Rosa SA, AKA COMARSA,
et. al,

Defendants-in-
Rem.

Civil Action No. 12-CV-7530 (GBD)

**DECLARATION OF
ABBE DAVID LOWELL**

I, Abbe David Lowell, being of legal age and pursuant to 28 U.S.C. § 1746, hereby declare as follows, based on my own personal knowledge:

1. I am a partner of the law firm Chadbourne & Parke LLP, counsel for claimant CIA Minera Aurifera Santa Rosa S.A. (“COMARSA”).

2. I am a member in good standing of the bar of New York and am admitted to practice in the United States District Court for the Southern District of New York.

3. I make this declaration in support of COMARSA’s Motion for an Expedited Pretrial Status Conference.

4. Attached hereto as Exhibit 1 is a true and correct copy of the email from Assistant United States Attorney Paul Montelioni approving the payment on an invoice for gold bars from COMARSA to Italpreziosi SpA on October 30, 2012.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 7, 2012, in Washington, D.C.

/s/ Abbe David Lowell
Abbe David Lowell
NY Bar No.: 2981744
SDNY Reg. No.: AL2981

Lowell, Abbe D.

From: Monteleoni, Paul (USANYS) [Paul.Monteleoni@usdoj.gov]
Sent: Tuesday, October 30, 2012 7:21 PM
To: Lowell, Abbe D.; 'Matthew.Menchel@kobrekim.com'
Subject: Wire Transfer

We will get back to you soon about the approximately \$2 million that was frozen recently (this process is being delayed by the storm-related disruptions), but in the interim Italpreziosi can pay the balance of the invoice you have both showed me. Please let me know if you have any questions.

CERTIFICATE OF SERVICE

I hereby certify that, on December 7, 2012, I caused a true and correct copy of the Declaration of Abbe David Lowell to be served via the CM/ECF system upon Preet Bharara, United States Attorney for the Southern District of New York, Sarah E. Paul, Assistant United States Attorney, and Paul Monteleoni, Assistant United States Attorney.

/s/ Abbe David Lowell
Abbe David Lowell